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February 1, 2023

Via CM/ECF

The Honorable Colleen McMahon
United States District Court
Southern District of New York

RE: *Zinnamon v. Botany Bay, Inc.*
Case No. 1:22-cv-09120-CM

Dear Judge McMahon:

We represent Plaintiff Warren Zinnamon in this matter, and write jointly with Defendant Botany Bay, Inc. ("the Parties") to respectfully ask that the Initial Conference scheduled for February 9, 2023, be adjourned. The Parties have been advised that the current scheduling creates a conflict for the Court.

Furthermore, the Parties are not able to file a conforming proposed case management plan by February 7 that would ordinarily cause the conference to be canceled. It is Plaintiff's position that written/paper discovery should proceed pending a decision on Defendant's Motion to Dismiss. However, Defendant is concerned that participation in discovery would waive the jurisdictional defenses raised in the Motion.

Thank you for Your Honor's considerations.

Respectfully Submitted,

/s/ Mark Rozenberg
Mark Rozenberg, Esq.
Attorney for Plaintiff

2/3/2023
No discovery until the motion to dismiss is decided.
No discovery from court. I will not send the deadline for response to Feb 28.
reference will be made to the parties.
if necessary, after the motion.